

PROB 12
(Rev. 3/88)

United States District Court

for

DISTRICT OF NEVADA - LAS VEGAS

U. S. A. vs. Daniel McLaughlin

Docket No. CR-S-02-113-LRH(RJJ) ⁰³⁻¹¹³

Petition on Probation and Supervised Release

COMES NOW Henry Stegman, PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Daniel McLaughlin, who was placed on supervision by the Honorable Larry R. Hicks, sitting in the court at Las Vegas, Nevada, on the 25th day of August, 2003, who fixed the period of supervision at three years supervised release and imposed the general terms and conditions theretofore adopted by the court and also imposed special conditions and terms as follows:

SEE ATTACHED JUDGEMENT

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

SEE ATTACHED PAGE(S)

PRAYING THAT THE COURT WILL ORDER A WARRANT TO INITIATE PROCEEDINGS TO REVOKE SUPERVISION.

**ORDER OF COURT
WARRANT ISSUED**

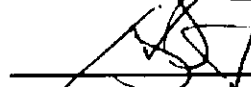
Considered and ordered this 15th day of November, 2006 and ordered filed and made a part of the records in the above case. nunc pro tunc.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

I declare under penalty of perjury that the information contained herein is true and correct.

Executed on this 14th day of November, 2005.


Henry Stegman
United States Probation Officer

Place Las Vegas, Nevada

Daniel McLaughlin
November 14, 2005
Page 2

ALLEGED VIOLATIONS OF SUPERVISED RELEASE

1. You shall reside at the Las Vegas Community Corrections Center.

On October 25, 2005, he was arrested by the U.S. Marshals on a warrant signed by Your Honor on September 27, 2005, due to violations of his release conditions. At his initial appearance later that day, he was given a October 25, 2005, court date for his revocation hearing before Your Honor at 4:30 p.m. His initial appearance was continued until October 28, 2005, at which time he was released to the halfway house pending his hearing. McLaughlin arrived at the halfway house later that evening.

On November 5, 2005, he signed out of the facility returning on November 6, 2005, at 8 a.m. McLaughlin never returned to the halfway house. His current whereabouts are unknown and he is considered to be an absconder.

EVALUATIVE SUMMARY

On August 25, 2003, he was convicted of Felon in Possession of a Firearm and sentenced to 32 months custody. A three year term of supervised release was imposed. On July 8, 2005, supervised release commenced.

He has been convicted of 2nd Degree Murder, Robbery, Burglary, Assault, Possession of a Firearm by an Ex-Felon, Battery Against a Police Officer, Assault/Domestic Battery, Possession of Marijuana, Under the Influence of a Controlled Substance, Possession of a dangerous Weapon, Possession of Forged Instruments, DUI (twice), Battery (3 times), Trespass/Occupy Property Without Owner's Consent, Disturbing the Peace and Reckless Driving. He has also sustained arrests for Kidnapping Burglary, Possession of a Controlled Substance, Felony Theft, Burglary/Auto Theft, DUI and Resisting Arrest.

Given the offender's non-compliance and absconder status he is not considered amenable to supervision and is a threat to the community. It is recommended that he be detained pending revocation proceedings.

Respectfully submitted,

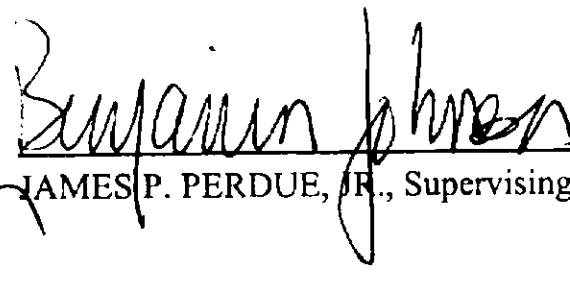


HENRY STEGMAN

United States Probation Officer

HAS:hs

APPROVED:


JAMES P. PERDUE, JR., Supervising

AO 245B (Rev. 3/01) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

District of

NEVADA

UNITED STATES OF AMERICA

V.

DANIEL MCLAUGHLIN

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: CR-S-03-113 LRH(RJJ)

ARTHUR ALLEN, AFPD

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☒ was found guilty on count(s) ONE OF THE INDICTMENT
after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

FILED
2003 AUG 27 A 10:13
COUNT 1
1

Date Offense
Concluded
1/9/03

Title & Section	Nature of Offense
18 USC §922(g)(1) & §924(a)(2)	FELON IN POSSESSION OF A FIREARM

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☒ Count(s) TWO & THREE ☐ is ☒ X are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.: 561-02-6481Defendant's Date of Birth: 4/27/54Defendant's USM No.: 37950-048

Defendant's Residence Address:

601 S. HIGHWAY 160, PMB12PAHRUMP, NV 89048

Defendant's Mailing Address:

601 S. HIGHWAY 160, PMB12PAHRUMP, NV 89048

AUGUST 25, 2003

Date of Imposition of Judgment

[Signature]
Signature of Judicial Officer

LARRY R. HICKS, UNITED STATES DISTRICT JUDGE
Name and Title of Judicial Officer

8/26/03
Date

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DEFENDANT: DANIEL MCLAUGHLIN
CASE NUMBER: CR-S-03-113 LRH(RJJ)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of THIRTY-TWO (32) MONTHS CREDIT FOR TIME SERVED.

☒ The court makes the following recommendations to the Bureau of Prisons:
The defendant be allowed to serve his sentence in the Sheridan, Oregon facility, if he is qualified and space is available.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a ☐ p.m. on _____
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____

_____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: DANIEL MCLAUGHLIN
CASE NUMBER: CR-S-03-113 LRH(RJJ)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term THREE (3) YEARS

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.

☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: DANIEL MCLAUGHLIN
CASE NUMBER: CR-S-03-113 LRH(RJJ)

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not possess, have under his control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
2. The defendant shall submit to the search of his person, property, or automobile under his control by the Probation Officer, or any other authorized person under the immediate and personal supervision of the Probation Officer without a search warrant to ensure compliance with all conditions of release.
3. The defendant shall participate in and successfully complete a substance abuse treatment program, which will include drug testing, outpatient counseling, or residential placement, as approved and directed by the Probation Officer.

DEFENDANT: DANIEL MCLAUGHLIN
CASE NUMBER: CR-S-03-113 LRH(RJJ)

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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TOTALS \$ _____ \$ _____

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: DANIEL MCLAUGHLIN
CASE NUMBER: CR-S-03-113 LRH(RJJ)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, or ☐ E below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ E below); or
- C ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

I hereby attest and certify on 8-27-03
that the foregoing document is a full, true and correct
copy of the original on file in my office, and in my
legal custody.

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

By [Signature] Deputy

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.